

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LUIS LEDESMA,

*Plaintiff,*

vs.

STATE OF NEVADA, *et al.*

*Defendants.*

3:13-cv-00102-MMD-WGC

ORDER

In this prisoner civil rights action, plaintiff has filed a motion (Doc. # 12) styled as a motion for order setting an inmate early mediation conference; defendants have filed a motion (Doc. # 14) to strike plaintiff's motion; and plaintiff has filed a motion (Doc. # 16) for inmate assistance during at the mediation.

Motions to strike generally only apply to pleadings. Fed.R. Civ. P. 12(f). A motion is not a pleading. (Rule 7(a).) Rule 12(f) therefore is inapplicable. While the Court does have inherent authority to strike other documents to manage its docket, a motion to strike often unnecessarily duplicates litigation because it generates another briefing cycle. Counsel should file simply an opposition in this situation. The court will treat Defendants' motion to strike (Doc. # 14) as an opposition to Doc. # 12.

Plaintiff titled the motion as a "motion for order setting inmate early mediation conference. (Doc. # 12.) However, he actually sought therein an order allowing an inmate assistant to participate in the mediation. He has since filed another motion for inmate assistance. (Doc. # 16.) Plaintiff's requests for an inmate assistant at the mediation will be denied. Plaintiff relies upon a state corrections

1 department administrative regulation that states, *inter alia*, that inmates “may assist each other in the  
2 preparation of legal documents and act as counsel substitutes under departmental policies.” Whatever  
3 non-lawyers may do in departmental proceedings under departmental policies does not extend to court  
4 proceedings, including mediation. To the extent that plaintiff needs to communicate other than in legal  
5 jargon, the mediator will discuss the case with plaintiff in terms that can be understood by a layman.  
6 Plaintiff, however, cannot have another inmate also attend the mediation as a purported counsel  
7 substitute.

8 IT THEREFORE IS ORDERED that the Plaintiff's motions (Doc. ## 12, 16) are **DENIED** and  
9 Defendants' motion to strike (Doc. # 14) is **DENIED AS MOOT**.

10 DATED: April 21, 2014

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14 UNITED STATES MAGISTRATE JUDGE  
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